

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

In The Matter Of:)	
)	Case Number 23-40160-can13
Rigoberto NMN Baeza)	
Debtor,)	
)	Chapter 13
PennyMac Loan Services, LLC.)	
Creditor,)	
)	
)	

**JOINT MOTION TO SET ASIDE ORDER GRANTING MOTION TO APPROVE
PERMANENT HOME MORTGAGE MODIFICATION AND DENY CREDITOR'S
MOTION TO APPROVE PERMANENT HOME MORTGAGE MODIFICATION**

COME NOW, the parties and request the Court set aside the Order Granting Motion to Approve Permanent Home Mortgage Modification and deny Creditor's Motion to Approve Permanent Home Mortgage Modification:

1. Debtor filed a Chapter 13 Bankruptcy February 8, 2023.
2. After negotiations between the parties regarding a resolution of the mortgage default, Creditor's Motion to Approve Permanent Home Mortgage Modification was filed on November 17, 2023 with an objection deadline of November 24, 2023.
3. An objection to the Motion was not filed.
4. On November 24, 2023, this Honorable Court entered its Order granting Creditor's Motion to Approve Permanent Home Mortgage Modification.
4. After entry of the Court's Order and upon further review and consideration, Debtor has determined that the agreement reached between the parties is no longer in Debtor's best interests.
5. The parties seek to void the agreement, and therefore believe it necessary to correct the Court record and request that the previous Order entered by the Court approving the parties' agreement be set aside.

6. Upon entry of an Order setting aside the Order entered November 24, 2023, the parties request that Creditor's Motion to Approve Permanent Home Mortgage Modification be denied.

WHEREFORE, the parties, respectfully request that this Court set aside the Order entered November 24, 2023, immediately deny Creditor's Motion to Approve Permanent Home Mortgage Modification and for any additional relief this Court deems just and proper.

WM Law

/s/ Ryan A. Blay

Ryan A. Blay, #KS-001066

Attorney for Debtor

15095 W. 116th Street

Olathe, KS 66062

Telephone: (913) 422-0909

Facsimile: (913) 428-8549

bankruptcy@wagonergroup.com

Millsap & Singer, LLC

/s/ Cynthia M. Kern Woolverton

Cynthia M. Kern Woolverton, #47698

Eva Marie Kozeny, #40448

Adam G. Breeze, #60920

William R. Avery, #68985

James Eric Todd, #64199

Pamela B. Leonard, #37027

Attorneys for Movant

612 Spirit Drive

St. Louis, MO 63005

Telephone: (636) 537-0110

Facsimile: (636) 537-0067

bkty@msfirm.com

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on December 4, 2023, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court pursuant to CM/ECF as set out on the Notice of Electronic filing as issued by the Court or in the alternative has been served by depositing a true and correct copy of same enclosed in a postage prepaid, properly addressed envelope, in a post office official depository under the exclusive care and custody of the United States Postal Service on those parties directed by the Court on the Notice of Electronic Filing issued by the Court as required by the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court.

/s/ Cynthia M. Kern Woolverton

Electronic Mail Notice List

The following is the list of attorneys who are currently on the list to receive e-mail notices for this case.

Ryan A. Blay

Richard Fink

Office of the United States Trustee

Manual Notice List

The following is a list of parties who are not on the list to receive e-mail notices for this case (who therefore require manual noticing).

Rigoberto NMN Baeza
5709 N. Euclid Ave.
Kansas City, MO 64118